

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

DAQUAN LAMONT STEVENS,	:	PRISONER CIVIL RIGHTS
GDC No. 1151206,	:	42 U.S.C. § 1983
Plaintiff <u>pro se</u> ,	:	
	:	
v.	:	
	:	
PAUL HOWARD, JR., <u>et al.</u> ,	:	CIVIL ACTION NO.
Defendants.	:	1:13-CV-3971-TWT-WEJ

**FINAL REPORT AND RECOMMENDATION**

Plaintiff pro se, Daquan Lamont Stevens,<sup>1</sup> confined in Hays State Prison in Trion, Georgia, has submitted a Complaint, which the Clerk has docketed as a civil rights action pursuant to 42 U.S.C. § 1983. (Compl. [1].) Plaintiff has not paid the \$350.00 filing fee and \$50.00 administrative fee or requested permission to proceed in forma pauperis (“IFP”). The Court notes that the present case is similar to plaintiff’s other pending case in this Court. See Complaint, Stevens v. Georgia, No. 1:13-cv-3313-TWT-WEJ (N.D. Ga. Sept. 9, 2013). The relevant distinction is that plaintiff appears to limit the present case to a request for the criminal prosecution of defendants, all of whom are located in Fulton County.

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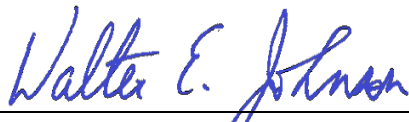
<sup>1</sup> The Clerk is **DIRECTED** to correct the docket sheet to reflect that the correct spelling of plaintiff’s first name is Daquan.

“It is well established that private citizens can neither bring a direct criminal action against another person nor can they petition the federal courts to compel the criminal prosecution of another person.” Ellen v. Stamm, 951 F.2d 359 (9th Cir. 1991) (unpublished table decision). “[A] private citizen lacks a judicially cognizable interest in the prosecution or nonprosecution of another.” Linda R.S. v. Richard D., 410 U.S. 614, 619 (1973). The lack of such an interest, known as standing, deprives the Court of subject matter jurisdiction over the case and warrants dismissal without prejudice. See McGee v. Solicitor Gen. of Richmond Cnty., Ga., 727 F.3d 1322, 1326 (11th Cir. 2013) (per curiam). Therefore, Plaintiff’s Complaint should be dismissed without prejudice for lack of standing. Id.

For the reasons stated above, the undersigned **RECOMMENDS** that the Complaint be **DISMISSED WITHOUT PREJUDICE** for lack of standing.

The Clerk is **DIRECTED** to terminate the referral to the Magistrate Judge.

**SO RECOMMENDED**, this 1th day of December, 2013.

  
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WALTER E. JOHNSON  
UNITED STATES MAGISTRATE JUDGE